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OCT 25 2005

Docket No. GRDSP0291USB

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Jon Douglas Shearer

Serial No.: 10/754,152

Filed: January 9, 2004

For: **LOW NOISE SOLID-STATE THERMOSTAT WITH MICROPROCESSOR CONTROLLED FAULT  
DETECTION AND REPORTING, AND PROGRAMMABLE SET POINT**

Art Unit: 3744

Examiner: Marc E. Norman

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) \_\_\_\_\_ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) \_\_\_\_\_ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) \_\_\_\_\_ Within 3 months of the filing date, date of entry into the National Stage, or filing date of CPA.
- (b) \_\_\_\_\_ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) \_\_\_\_\_ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

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(d) ☒ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) ☐ The required certification is given below, or

(2) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) ☒ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) ☐ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) ☐ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) ☐ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

(a) ☐ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

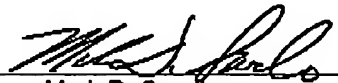
(b) ☐ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By



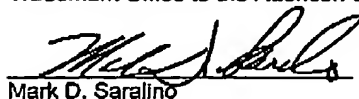
Mark D. Saralino  
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**CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION UNDER 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is \_\_\_\_\_ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below.

☒ being transmitted via facsimile to (571)273-8300 (Centralized Facsimile Number) at the U.S. Patent and Trademark Office to the Attention of Examiner Marc E. Norman.

  
Mark D. Saralino

**October 25, 2005**  
Date

OCT 25 2005

Sheet 3

<b>Form PTO-1449 (Modified)</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	Atty Docket No.	Serial No.
	GRDSP0291USB	10/754,152
	Applicant: Jon Douglas Shearer	
Filing Date	Group	
January 9, 2004	3744	

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Name	Class	Sub-class	Filing Date if Appropriate
	6,691,923 B2	02/2004	Shearer			

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.

Z:\SEC182\MDS\GRDSP291usb\ids2.wpd (IDS1449.FRM) (2/97)